

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

REGINALD McFADDEN,

Plaintiff,

-against-

9:03-CV-931  
(LEK/DRH)

RICHARD ROY; ANTHONY ANNUCCI;  
DEBORAH JARVIS, IRC; IRWIN LIEV, Urologist;  
GLENN S. GOORD; and M.D. KANG M. LEE,

Defendants.

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REGINALD McFADDEN,

Plaintiff,

-against-

9:04-CV-799  
(LEK/DRH)

KANG M. LEE, M.D.; ANTHONY ANNUCCI;  
DONALD SELSKY; T. TEDFORD; DALE ARTUS;  
T. TAMER, Sergeant; A. TOUSIGNANT; S. MILLER;  
MICHAEL GORDON; WILLIAM BROWN; J. LAREAU,  
Sergeant; D. LUCIA, Sergeant; LINDA KLOPH;  
SERGEANT BERNARD, SHU; DAVID O'CONNELL, M. D.;  
LOIS CROTTY, Infection Control Nurse; DAVID ARMITAGE,  
Lt.; and LESTER N. WRIGHT, M.D., DOCS,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 9,

2007 by the Honorable David Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 131). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Reginald McFadden, which were filed on January 22, 2007. Objections (Dkt. No. 132).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 131) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

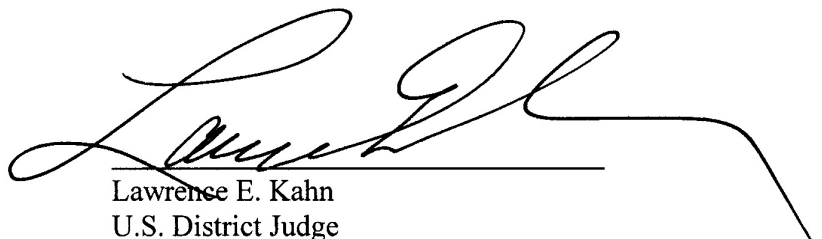
**ORDERED**, that Defendants’ Motion to dismiss (Docket No. 91) is **GRANTED** as to defendant Armitage and Defendant Armitage is dismissed from this case; and it is further

**ORDERED**, that Defendants’ Motion to dismiss (Docket No. 91) is **DENIED** as to defendants O’Connell, Lee, and Menard; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: June 13, 2007  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge